SPECIAL ORDINANCE NO. S-18-93

AN ORDINANCE approving the awarding of Reference #5073 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and LIQUID CARBONIC CARBON DIOXIDE CORPORATION for the Water Filtration Plant.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5073 between the City of Fort Wayne, by and through its Department of Purchasing and LIQUID CARBONIC CARBON DIOXIDE CORPORATION (single valid bid received) for the Water Filtration Plant, respectfully for:

the purchase of liquid carbon dioxide for the treatment of drinking water for the Filtration Plant;

involving a total cost of Eighty-Five Thousand and no/100± Dollars (\$85,000.00±), all as more particularly set forth in said Reference #5073, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

REF. NO.: 5073

DEPT: FILTRATION PLANT

DATE: 02/04/93

ITEM/SERVICE: LIQUID CARBON DIOXIDE

PURCHASING INFORMATION

ADVERTISED BID: YES

DATES ADVERTISED: 11/23/92 & 11/30/92

OPENING DATE: 12/10/92

WRITTEN QUOTE: NO

DUE DATE:

VERBAL QUOTE: NO

SINGLE SOURCE: NO

NO. OF VENDORS NOTIFIED: 15

NO. OF VENDORS RECEIVING BID: 5

NO. OF VENDORS RETURNING BID: 3

NO. OF VENDORS DISQUALIFIED: 2

NO. OF VENDORS NOT RESPONDING: 2

DATE SENT TO DEPT FOR RECOMM: 12/15/92

DATE RECOMMENDATION REC'D IN PURCH 01/22/93

COUNCIL INFORMATION DATES SENT EXTENSION DATES

DATE INFO SENT TO LAW DEPT: 02/04/93

INTRODUCTION DATE: 02/09/93

DISCUSSION DATE: 02/16/93

PASSAGE DATE: 02/23/93

ORDINANCE NO:

AMOUNT APPROVED AND/OR SPENT

LAST YEAR:

I.T.B. #5073 LIQUID CO2 OPENED 12/10/92

DESCRIPTION	LIQ CARBONIC
COST TON FRGHT TRUCK TON DEMURRAGE FRGHT RAIL TON DEMURAGE	\$48.20 N/B N/B N/B N/B

TOTAL	W/0	FRGHT	\$104,594.00
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TOTAL	WITH	FREIGHT	NO	BID

VIA TRUCK

TOTAL WITH FREIGHT NO BID

VIA RAIL

DELIVERY TIME TRCK 48 HOURS
DELIVERY TIME RAIL

PAIN ENTERPRISES - DISQUALIFIED, TURNED IN CASHIER'S CHECK

ARCHER DANIELS - DISQUALIFIED - NON-COLLUSION AFFIDAVIT NOT NOTARIZED

FRONT PAGE/INVITATION TO BID DEPARTMENT OF PURCHASING CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA ONE MAIN STREET - ROOM 350 PHONE 219-427-1101

BID OPENING DATE DECEMBER 10, 1992 BID REFERENCE # 5073
SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO $\underline{11:00}$ A.M. ON OR BEFORE OPENING DATE.
SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".
THIS INVITATION FOR BID IS FOR THE PURCHASE OF LIQUID CO2
(CARBON DIOXIDE)
AND REQUESTED BYFILTRATION PLANT
THIS BID REQUIRES A XXX 5% BID BOND OR CERTIFIED CHECK OF ALL BIDDERS.
THIS BID REQUIRES A 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).
PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: % IF PAID WITHIN DAYS.
THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.
THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.
FIRM NAME Liquid Carbonic Carbon Dioxide Corporation
STREET ADDRESS 24700 Center Ridge Road
CITY Westlake Ohio PHONE #216-835-2500
BY fort / Culle
REPRÉSENTATIVE SIGNATURE Frank J. Cullen Regional Sales Manager

CITY OF FORT WAYNE LIQUID CARBON DIOXIDE REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF LIQUID CARBON DIOXIDE FOR THE THREE RIVERS FILTRATION PLANT.

THESE SPECIFICATIONS COVER LIQUID CARBON DIOXIDE FOR USE IN THE TREAT-MENT OF PUBLIC WATER SUPPLIES.

IMPURITIES - THE LIQUID CARBON DIOXIDE SHALL BE ODORLESS AND COLORLESS AND SHALL CONTAIN NO SOLUBLE OR ORGANIC SUBSTANCES IN QUANTITIES CAPABLE OF PRODUCING DELETERIOUS OR INJURIOUS EFFECTS UPON THE HEALTH OF THOSE CONSUMING THE WATER WHICH HAS BEEN TREATED PROPERLY WITH THE LIQUID CARBON DIOXIDE.

CHEMICAL REQUIREMENTS - THE LIQUID CARBON DIOXIDE SHALL MEET THE MINIMUM AND MAXIMUM REQUIREMENTS OF U.S. PHARMACOPEIA (NO. 19) FOR CARBON DIO-XIDE AS FOLLOWS:

PPM AND % - BASED ON VOLUME

CO2	99.0%		MINIMUM
AMMONIA	25.	PPM	MAXIMUM
CO	10.	PPM	MAXIMUM
SO2	5.	PPM	MAXIMUM
N20	2.5	PPM	MAXIMUM
NO2	2.5	PPM	MAXIMUM
H2S	1.	PPM	MAXIMUM
H2O (DEW POINT-7 DEGREE F)	329.	PPM	MAXIMUM

EACH BIDDER SHALL SUBMIT WITH THEIR PROPOSAL A TYPICAL CHEMICAL ANALYSIS.

SHIPMENTS ARE TO BE MADE AS ORDERED BY THE CITY AND DELIVERED FOB THREE RIVERS FILTRATION PLANT.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT.

THE ANNUAL REQUIREMENTS FOR LIQUID CARBON DIOXIDE IS ESTIMATED AT 2170 TON. ACTUAL QUANTITIES PURCHASED MAY BE MORE OR LESS.

TERM OF AGREEMENT: JANUARY 1, 1993 THRU DECEMBER 31, 1993

COST TON PROD.:	\$
FRGHT TRCK COST TON:	\$
DEMURRAGE:	\$
FRGHT RAIL COST TON:	\$
DEMURRAGE:	\$
DELIVERY TIME ARO:	48 hours
TOTAL FOR 2170 TONS:	\$48.20/ton = \$104.59

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS ..

(Defined at 1.C. 36-1-2-9.5) (Please type or print)

	Untag	•
1. Governmental Units	City of Ft. Wayne, Indiana	
Z. County:	Allen	
3. Olddor (Firm);	Liquid Carbonic Carbon Dioxide Co	rpoation
Address: Cfty/State:	- 24700 Center Ridge Road #215	
4. Telaphone Humbers	Westlake, Ohio 44145 216-835-2500	-
5. Agent of Aldder (1)	applicable): Frank J. Cullen	
Purauant I - 11 1		·
the principle and the bell	o undersigned offers bid(s) to City of Ft. Way of following attachment(s) which specify the class or lice on total amount.	m number or
and bid. Bidder further agrees that	by classes or Items, in accordance with specifications. It render such bid void as to that class or Item. Bidde s price than the price stated in his bid for the material he will not withdraw his bid from the office in which is with each bid if required, and limitity for brench shortfled check or both as the case may be.	r promises that
	· / /	C. M
	Janalure of Cityle	r or August
	. Frank J. Cull	en
:	Regional Sale	s Manager
	BIO OFFER OR PHOPUSAL	. ; '
Following is an example of the bid for	ench Item bid based on specifications published by governal:	rning body.
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anyone at such letting more to account	t, being duly sworn on oath, says that he has not, nor he firm, company, corporation or pertnership represented to or agreement with any person relative to the price to any person from bidding nor to induce anyone to refer in ence to any other hid and without any agreement, under storned to such bidding.	by him, ha hid he
He further says that no person	or persons, firms, or corporation has, have or will recommission or thing of value on account of such sale.	sive directly
		c Carbon Dioxide
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• 19-	Acceptance	ea mino
there now below sufficient wook	iligated appropriated tunds available, the contracting as	
Classes or liens numbered quoted for the materials slipulated. In	and promises to any accepts the terms of the attached	
Contracting Authority Hombers:	Doing	·
		(4)
		



CHUBB GROUP OF INSURANCE COMPANIES

15 Mountain View Road, P. C. Box 1615, Warren, New Jersey 07061-1615

FEDERAL INSURANCE COMPANY

BID BOND

Bond No. 92-876

Amount \$ 5% GAB

Know All Men By These Presents,

That we, LIQUID CARBONIC CARBON DIOXIDE CORPORATION

(hereinafter called the Principal), as Principal, and the FEDERAL INSURANCE COMPANY, Warren, New Jersey, a corporation duly organized under the laws of the State of Indiana, (hereinafter called the Surety), as Surety, are held and firmly bound unto CITY OF FORT WAYNE, INDIANA

(hereinafter called the Obligee),

in the sum of FIVE PERCENT OF THE GREATEST AMOUNT BID-----), for the payment of which we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this

1ST

day of

DECEMBER

A. D. nineteen hundred and NINETY-TWO

WHEREAS, the Principal has submitted a bid, dated

DECEMBER 10,

, **19**. 92

for

FURNISHING LIQUID CARBON DIOXIDE FOR WATER TREATMENT

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with such bid and give bond with good and sufficient surety for the faithful performance of such contract, or in the event of the failure of the Principal to enter into such contract and give such bond, if the Principal shall pay to the Obligee the difference, not to exceed the penalty hereof, between the amount specified in said bid and the amount for which the Obligee may legally contract with another party to perform the work covered by said bid, if the latter amount be in excess of the former, then this obligation shall be null and void, otherwise to remain in full force and effect.

> LIQUID CARBONIC CARBON DIOXIDE CORPORATION Principal

William M. Banit,

Vice-President

FEDERAL INSURANCE COMPANY

Ramirez, Attorney-in-Fact

M-24705 (20M) U.S.A

POWER OF ATTORNEY

BOND NO. 92-876

Know all Men by these Presents. That the FEDERAL INSURANCE COMPANY, 15 Mountain View Road, Warren, New Jersey, an Indiana Corporation, has constituted and appointed, and does hereby constitute and appoint

N. Carothers, Philip N. Bair, Phyllis Ramirez,
Lynn B. Mathes, Margaret Buboltz, Vicie Coleman and Jimmye Langford of Houston, Texas-------

each its true and lawful Attorney-in-Fact to execute under such designation in its name and to affix its corporate seal to and deliver for and on its behalf as surety thereon or otherwise, bonds of any of the following classes, to-wit:

- 1. Bonds and Undertakings (other than Bail Bonds) filed in any suit, matter or proceeding in any Court, or filed with any Sheriff or Magistrate, for the doing or not doing of anything specified in such Bond or Undertaking.
- Surety bonds to the United States of America or any agency thereof, including those required or permitted under the laws or regulations relating to Customs
 or Internal Revenue; License and Permit Bonds or other indemnity bonds under the laws, ordinances or regulations of any State, City, Town, Village, Board
 or other body or organization, public or private; bonds to Transportation Companies, Lost Instrument bonds; Lease bonds, Workers' Compensation bonds.
 Miscellaneous Surety bonds and bonds on behalf of Notaries Public, Sheriffs, Deputy Sheriffs and similar public officials.
- 3. Bonds on behalf of contractors in connection with bids, proposals or contracts.

In Witness Whereof, the said FEDERAL INSURANCE COMPANY has, pursuant to its By-Laws, caused these presents to be signed by its Vice President and Assistant Secretary and its corporate seal to be hereto affixed this 2nd day of July 19 91

Corporate Seal

ADIANA

Richard D. O'Connor

Assistant Secretary

STATE OF NEW JERSEY

FEDERAL INSURANCE COMPANY

Vice President

O. Clison

STATE OF NEW JERSEY
County of Somerset

SS.

On this 2nd day of July 19 91 , before me personally came Richard D. O'Connor to me known and by me known to be Assistant Secretary of the FEDERAL INSURANCE COMPANY, the corporation described in and which executed the foregoing Power of Attorney, and the said Richard D. O'Connor being by me duly sworn, did depose and say that he is Assistant Secretary of the FEDERAL INSURANCE COMPANY and knows the corporate seal thereof; that the seal affixed to the foregoing Power of Attorney is such corporate seal and was thereto affixed by authority of the By-Laws of said Company, and that he signed said Power of Attorney as Assistant Secretary of said Company, and that he signed said Power of Attorney as Assistant Secretary of said Company, and that he signature of said James D. Dixon subscribed to said Power of Attorney is in the genuine handwriting of said James D. Dixon and was thereto subscribed by authority of said By-Laws and in deponent's presence.

STATE OF NEW JERSEY
County of Somerset

CERTIFICATION

Acknowledged and Sworn to before me on the date above written.

Notary Public

INST A SCATONE

Motors Public. State of New Jorsey

No 2066520

Commission Expires October 2, 1994

I, the undersigned, Assistant Secretary of the FEDERAL INSURANCE COMPANY, do hereby certify that the following is a true excerpt from the By-Laws of the said Company as adopted by its Board of Directors on March 2, 1990 and that this By-Law is in full force and effect.

"ARTICLE XVIII.

Section 2. All bonds, undertakings, contracts and other instruments other than as above for and on behalf of the Company which it is authorized by law or its charter to execute, may and shall be executed in the name and on behalf of the Company either by the Chairman or the Vice Chairman or the President or a Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations, except that any one or more officers or attorneys-in-fact designated in any resolution of the Board of Directors or the Executive Committee, or in any power of attorney executed as provided for in Section 3 below, may execute any such bond, undertaking or other obligation as provided in such resolution or power of attorney.

Section 3. All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the Vice Chairman or the President or a Vice President or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, Vice Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I further certify that said FEDERAL INSURANCE COMPANY is duly licensed to transact fidelity and surety business in each of the States of the United States of America, District of Columbia, Puerto Rico, and each of the Provinces of Canada with the exception of Prince Edward Island; and is also duly licensed to become sole surety on bonds, undertakings, etc., permitted or required by law.

I, the undersigned Assistant Secretary of FEDERAL INSURANCE COMPANY, do hereby certify that the foregoing Power of Attorney is in full force and effect

Given under my hand and the seal of said Company at Warren, N.J., this___

1ST

DECEMBER

..92

Assistant Secretary

IMPORTANT NOTICE

To obtain information or make a complaint:

You may write the Texas Department of Insurance P. O. Box 149104 Austin, TX 78714-9104 Fax #(512) 475-1771

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim, you should contact John L. Wortham & Son, L.L.P. first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

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THE CITY OF FORT WAYNE



Paul Helmke Mayor

February 5, 1993

Fort Wayne City Council Members Room 126 - Council Chambers 1 Main Street Fort Wayne, Indiana 46802

Re: BID 5073 - LIQUID CARBON DIOXIDE

BID 5067 - PEBBLE LIME

BID 5074 - POWDERED ACT CARBON BID 5071 - LIQ ANHYDROUS AMMONIA

Dear Council Members:

These chemicals, along with Liquid Ferric Sulfate, Sodium Chlorite, chlorine gas, Soda Ash and Sodium silica Fluoride are the nine bulk chemicals that we use to remove the various impurities from the river water to convert the water to a drinkable condition referred to as "Potable". Liquid Carbon dioxide is used to reduce the high pH to remove excess calcium used in the "excess lime softening process". Pebble lime is the most bulky chemical that removes most of the dirt, bacteria and hardness. Powdered activated carbon is used to remove taste, odor and color (and some volatile solvents, Liq. Anhydrous Ammonia is used in combination pesticides etc.) with chlorine to form Chloramine which is a disinfectant with long acting effects that kills off the pathogenic (disease causing) bacteria that may be in the water after treatment and filtration. Without these 4 chemicals (and the other 5 listed above) we cannot treat the water to make it potable. If you have any further questions, please call me at 427-1254 ext 5338.

Very truly yours,

John McLane, Filtration Plant Superintendent

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 5073 for the purchase of liquid carbon dioxide for the Filtration Plant.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Will allow treatment of drinking water.

IF REPLACEMENT, WHAT NECESSITATES:

EFFECT OF NON-PASSAGE: Will be unable to treat drinking water.

MONIES INVOLVED: Liquid Carbonic \$85000.00+/-

ACCOUNT INFO: Filtration Plant 513-523-W154-4259

PRICE AGREEMENT: YES

PURCHASE ORDER: NO

SOURCE OF FUNDING: Filtration Plant

PRIOR APPROVAL: No DATE:

(IF APPLICABLE)

BILL NO. S-93-02-06	
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REPORT OF THE COMMITTEE ON CITY UTILITIES JANET G. BRADBURY - CHAIRPERSON SAMUEL J. TALARICO - VICE CHAIRPERSON RAVINE, HENRY

WE,	YOUR	COMMI	TTEE	ON	CITY U	TILITIE	s	OT	WHOM WAS
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ar	nd thr	ough	its De	partme	nt of P	<u>urchasi</u>	ng and I	JOUID CA	RBONIC
CZ	ARBON	DIOXI	DE COF	PORATI	ON for	the Wat	er Filtr	ation Pl	ant
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